

# AGNIFILO INTRATER

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March 28, 2025

**VIA ECF**

Hon. Arun Subramanian  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Combs, 24-cr-542 (AS)*

Dear Judge Subramanian:

We write jointly with the government to advise the Court of two topics about which the parties are meeting and conferring, which may not require court intervention. Since the last court date, the parties have been conferring regarding Federal Rule of Evidence 412 and its applicability to this matter. We believe, based on our discussions, that neither party will need to seek court intervention. To that end, the defense is providing a letter to the government today stating that the defense does not anticipate introducing any evidence of any alleged victim's "other sexual behavior" or "sexual predisposition" as defined by Rule 412(a). Based on our discussions with the government, we further understand the government also does not plan to introduce any evidence governed by Rule 412(a). Accordingly, neither party will be filing a motion pursuant to Rule 412 today, but if any disagreements arise, both parties will bring this to the Court's attention immediately.

Furthermore, the parties have been conferring regarding jury selection and whether the jurors' names should be known only to the parties and the Court, but not to the press and public, for the duration of the trial through verdict. We expect to be able to reach agreement on this point, but we have not yet. Because we do not believe this is an evidentiary issue that needs to be raised by the April 1 motion *in limine* deadline, neither party intends to move on this by that deadline. However, if we are unable to reach agreement, the government will move the Court at the appropriate time.

We appreciate the Court's consideration.

Respectfully submitted,



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cc: All counsel (by ECF)